

National Labor Relations Board

December 10, 2020

Executive Secretary of the Board

National Labor Relations Board
1015 Half Street SE
Washington, D.C. 20570-0001

Re: Mercedes Benz of Oakland
Case 32-RD-252832

Dear Executive Secretary,

Pursuant to Section 102.71 of the National Labor Relations Board's Rules and Regulations, I respectfully request for review the Region 32 November 25, 2020 hold in abeyance of the above-mentioned case pending the investigation of the unfair labor practice charges in Case Numbers 32-CA-269464, 32-CA-269467, 32-CA-269470, and 32-CA-269473.

Fact Timeline:

Case 32-RD-252832 petition for election filed 12/4/2019, action blocked due to pending cases.

Pending cases cleared, no longer blocked as of October 2, 2020.

Contract vote October 2020.

NLRB Region 32 Order notice sent November 20, 2020 of Zoom hearing scheduled December 2, 2020 for all parties to meet and agree on process to move forward with vote for petition.

November 24, 2020 Zoom Pre-Hearing Conference invitation sent to all scheduled November 30, 2020.

November 24, 2020 union counsel submits above mentioned unfair labor practices charges.

November 25, 2020 Mercedes Benz of Oakland counsel submits request for postponement of December 2, 2020 Hearing.

November 25, 2020 Region 32 Director issues blocking letter for petition due to union counsel charges filed previous day. December 2, 2020 Hearing canceled.

Facts and Reasons for the Request for Review:

Case 32-RD-252832 petition filed December 4, 2019 waiting for pending labor charges to be completed. October 2020 two years have transpired without a union contract. All union charges cleared October 2020. October 2020 only union members in good standing allowed to vote on new contract, minority of represented work force approves contract. November 20, 2020 Hearing scheduled for December 2, 2020 to proceed with RD petition. After union is informed of scheduled Hearing November 20, 2020 new labor charges are filed November 24, 2020 involving October 2020 contract and an abeyance is issued November 25, 2020, cancelling movement forward with petition and vote. The Case 32-RD-252832 was

filed December 4, 2019, setting it first for action over charges constructed a year later after a contract vote. I am sure you are aware of precedent for proceeding with the RD petition and vote due to the petition being in place well prior to the contract vote and subsequent labor charges levied after the scheduled petition Hearing is announced. I am therefore respectfully submitting a Request for Review of the ordered abeyance and then to resume with the RD process.

Sincerely,

Kenneth M Dayton

Technician
Mercedes Benz of Oakland

OFFICE OF THE EXECUTIVE SECRETARY
SMO-OfficeoftheExecutiveSecretary@nrlb.onmicrosoft.com

VALERIE HARDY-MAHONEY
REGIONAL DIRECTOR
REGION 32
1301 CLAY ST STE 300N
OAKLAND, CA 94612-5224
Valerie.Hardy-Mahoney@nrlb.gov

DARIN SPARROW, GENERAL MANAGER
MERCEDES BENZ OF OAKLAND
2915 BROADWAY
OAKLAND, CA 94611
Darin.sparrow@euromotorsca.com

JOHN P. BOGGS, ESQ.
FINE BOGGS & PERKINS LLP
80 STONE PINE ROAD
SUITE 210
HALF MOON BAY, CA 94019
jboggs@employerlawyers.com

DON CROSATTO
MACHINISTS DISTRICT LODGE 190, LOCAL
LODGE 1546
10260 MACARTHUR BLVD
OAKLAND, CA 94605-5199
Dcrow441@aol.com

DAVID W. M. FUJIMOTO, ESQ.
WEINBERG, ROGER AND ROSENFELD
1001 MARINA VILLAGE PARKWAY STE 200
ALAMEDA, CA 94501
dfujimoto@unioncounsel.net

JESSE JUAREZ
MACHINISTS AUTOMOTIVE TRADES
DISTRICT LODGE NO. 190, MACHINISTS
LOCAL 1173
10260 MACARTHUR BLVD
OAKLAND, CA 94605-5143
Jjuarez1173@sbcglobal.net

PHIL YBARROLAZA, UNION
REPRESENTATIVE
TEAMSTERS LOCAL NO. 853
7750 PARDEE LANE
OAKLAND, CA 94621-1497
phil@teamsters853.org

CAREN P. SENCER, ATTORNEY AT LAW
WEINBERG ROGER & ROSENFELD
1001 MARINA VILLAGE PKWY
SUITE 200
ALAMEDA, CA 94501-6430
csenser@unioncounsel.net